

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GMAC MORTGAGE CORPORATION,)
Plaintiff,)
v.)
R. SCOTT SCHEIMAN, et al.,)
Defendants.)

Case No.: C 11-01288 PSG

**ORDER DENYING APPLICATION FOR
SERVICE UPON DEFENDANT R.
SCOTT SCHEIMAN BY PUBLICATION
OF SUMMONS**

(Re: Docket No. 3)

On April 6, 2011, Plaintiff GMAC Mortgage Corporation (“GMAC”) applied to this court for an order directing service of the summons on Defendant R. Scott Scheiman (“Scheiman”) by publication in the Santa Clara Weekly.

“A summons may be served by publication if upon affidavit it appears to the satisfaction of the court in which the action is pending that the party to be served cannot with reasonable diligence be served in any other manner specified in [Article 3 of the California Code of Civil Procedure, Part 2, Title 5, Chapter 4]”¹ Under Article 3, one manner for serving a summons is service by mail.²

¹ Cal. Civ. Proc. Code § 415.50.

² See Cal. Civ. Proc. Code § 415.30.

1 Although the Declaration of Charles A. Correia in Support of the Application for Service³
2 describes attempts at personal service and substituted service, the declaration does not state that
3 GMAC has attempted service by mail. Thus, GMAC has not demonstrated to the court's satisfaction
4 that Scheiman cannot with reasonable diligence be served in any other manner specified in Article 3
5 besides publication. Accordingly,

6 IT IS HEREBY ORDERED that GMAC's application is DENIED.

7 Dated: April 11, 2011

8 
9 PAUL S. GREWAL
United States Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

³ See 4/6/11 Correai Decl. (Docket No. 3-1).